

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 John Gaines a/k/a Kenya Gaines,

Case No. 2:21-cv-02215-ART-DJA

7 Plaintiff,

Order

8 v.

9 S. Butler, et al.,

10 Defendants.

11 Before the Court is Defendants Stephanie Butler and Julio Mesa's motion to file Exhibits
12 A-F to their motion for summary judgment under seal. (ECF No. 28). Plaintiff is an inmate in
13 the custody of the Nevada Department of Corrections. (*Id.* at 3). Defendants explain that
14 Exhibits A-F contain Plaintiff's medical and institutional records, the publication of which could
15 create security concerns in the prison context. (*Id.* at 1).

16 A party seeking to file a confidential document under seal must file a motion to seal and
17 must comply with the Ninth Circuit's directives in *Kamakana v. City and County of Honolulu*,
18 447 F.3d 1172 (9th Cir. 2006) and *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092
19 (9th Cir. 2016). A party seeking to seal judicial records attached to motions more than
20 tangentially related to the merits of the case must meet the "compelling reasons" standard. *See*
21 *Kamakana*, 447 F.3d at 1183; *Ctr. for Auto Safety*, 809 F.3d at 1101. For records attached to
22 motions not more than tangentially related to the merits of the case, the "good cause" standard
23 applies. *See Ctr. for Auto Safety*, 809 F.3d 1095, 1101.

24 Under the compelling reasons standard, a court may seal a record only if it finds
25 "compelling reasons" to support such treatment and articulates "the factual basis for its ruling,
26 without relying on hypothesis or conjecture." *Ctr. for Auto Safety*, 809 F.3d at 1096-97.
27 Compelling reasons exist when such court files might have become a vehicle for improper
28 purposes, such as the use of records to gratify private spite, promote public scandal, circulate

1 libelous statements, or release trade secrets. *Id.* at 1097 (internal quotations and citations
2 omitted). The compelling reasons must be “supported by specific factual findings,” that outweigh
3 “the general history of access and the public policies favoring disclosure, such as the public
4 interest in understanding the judicial process.” *Kamakana*, 447 F.3d at 1178-79 (internal
5 quotations and citations omitted). The Ninth Circuit has rejected efforts to seal documents under
6 the “compelling reasons” standard based on “conclusory statements about the contents of the
7 documents—that they are confidential” and that, in general, their disclosure would be harmful to
8 the movant. *Id.* at 1182. Furthermore, any “requests to seal documents must be ‘narrowly
9 tailored’ to remove from the public sphere only the material that warrants secrecy.” *Florence v.*
10 *Cenlar Fed. Sav. & Loan*, No. 2:16-cv-00587, 2017 WL 1078637, at *2 (D. Nev. March 20,
11 2017). “As a corollary, to the extent any confidential information can be easily redacted while
12 leaving meaningful information available to the public, the court must order that redacted
13 versions be filed rather than sealing entire documents.” *Id.*; see *In re Roman Catholic Archbishop*
14 *of Portland in Oregon*, 661 F.3d 417, 425 (9th Cir. 2011); see *Welch v. Minev*, No. 2:19-cv-
15 01064-GMN-BNW, 2022 WL 4809269, at *2 (D. Nev. Oct. 1, 2022).

16 Here, as a preliminary matter, the Court finds that the compelling reasons standard applies
17 because the exhibits are attached to Defendants’ motion for summary judgment. The Court finds
18 that Defendants have met this standard for Exhibits E-F, which is comprised entirely of Plaintiffs’
19 medical records. Courts in the Ninth Circuit commonly seal medical information under the
20 compelling reasons standard. See *Steven City Broomfield v. Aranas*, No. 3:17-cv-00683, 2020
21 WL 2549945, at *2 (D. Nev. May 19, 2020) (compiling cases).


22 However, Exhibits A-D contain Plaintiffs’ grievance and investigation reports, which only
23 occasionally refer to medical information. And while the Defendants point out that entry of these
24 documents onto the public record could endanger Plaintiff, they do not explain why. Nor do
25 Defendants address whether the medical information and dangerous information contained in
26 those records could be redacted.

1 **IT IS THEREFORE ORDERED** that Defendants' motion to seal (ECF No. 28) is
2 **granted in part** regarding Exhibits E-F and **denied in part** regarding Exhibits A-D.

3 **IT IS FURTHER ORDERED** that Defendants shall file a renewed motion to seal
4 providing additional explanation regarding Exhibits A-D, whether those exhibits can be redacted,
5 and why those exhibits pose a danger on or before **May 19, 2023**.

6 **IT IS FURTHER ORDERED** that Exhibits A-F (ECF No. 29) shall remain under seal
7 until the Court's decision on Defendants' renewed motion to seal.

8
9 DATED: May 5, 2023

10 
11 _____
12 DANIEL J. ALBREGTS
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28